GOVERNMENT OF ANDHRA PRADESH
ABSTRACT.

Transport Deptt.– Sri K.Sri Hari, Senior Assistant(Dismissed from service), O/o DTC, Nellore–O.A.No.11244/2009 filed in A.P.A.T.- O.A. Allowed by Tribunal vide it's Order Dated:30.12.2009-Reinstated into service-Final Orders of High Court Dated: 02.06.2014 in W.P.No.17395 of 2010 w.r.t.sanction of consequential benefits– Proceedings issued by SriA.Mohan, Deputy Transport Commissioner, Nellore Dated:04.10.2014 and 24.10.2014 regularizing the services of suspension and termination periods of Sri K.Sri Hari, Sr.Asst., for promotion–Explanation called for-Explanation Submitted-Ratification of the action taken by Sri A.Mohan, the then Dy.Tr.Commr., Nellore Dated:04.10.2014 and 24.10.2014 regularizing the service of five (5) years' Suspension period from 17.08.2002 to 25.07.2007 and 3 ½ years' Dismissal period from 26.07.2007 to 20.01.2011 respectively in respect of Sri K.Sri Hari, Sr.Asst., as Periods Spent 'On Duty' under FR 54 - Orders-Issued.

TRANSPORT, ROADS & BUILDINGS(VIG.TR.)DEPARTMENT

G.O.Ms.No.65 **Dated:01 .11.2016.**

Read the following:

1. Proceedings R.No.11125/V4/2002, Dated:25.07.2007 of Transport Commissioner, Andhra Pradesh, Hyderabad.
2. Order of A.P.Administrative Tribunal Dt:30.12.2009 in O.A.No. 11244/2009.
3. Interim Orders of A.P.High Court Dated:20.10.2010 in W.P.No.17395/ 2010 in W.P.M.P.No.219576/2010 filed by Transport Department.
4. From the Transport Commissioner, A.P., Hyderabad, Letter No.11125/ V4/2002, Dated:17.01.2011.
5. G.O.Ms.No.09, T,R&B(VIG.III)Deptt., Dated:18.01.2011.
6. Final Orders of A.P.High Court Dated:02.06.2014 in W.P.No.17395/2010.
7. Procdgs.R.No.5924/A3/2014, Dated:04.10.2014 of Sri A.Mohan, DTC, Nellore.
8. Procdgs.R.No.5924/A3/2014, Dated:24.10.2014 of Sri A.Mohan, DTC, Nellore.
9. From the Transport Commissioner, A.P., Hyderabad, Lr.No. 11125/V4/V1/2002, Dated:09.01.2015.
10. Govt.Memo No.9027/Vig.Tr./A2/2003-32, Dated:15.09.2015.
11. From Sri A.Mohan, Deputy Transport Commissioner, Kakinada, Representation Dated:31.12.2015.

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ORDER:

In the reference first read above, the Transport Commissioner, Andhra Pradesh, Hyderabad has issued orders imposing the punishment of dismissal from service against Sri K.Sri Hari, Senior Assistant, on the charge of misappropriation of Government money while he was working in the Office of the Regional Transport Office, Ongole.

2. Aggrieved by the said punishment, Sri K.Sri Hari, Senior Assistant, filed O.A.No.11244/2009 before the Hon'ble A.P.Administrative Tribunal. The Hon'ble Tribunal, in it's Orders 2nd read above, while setting aside the impugned Orders issued by the Transport Commissioner, A.P., in the reference 1st read above, directed the Respondents to reinstate the Applicant into service with all consequential benefits, within six weeks from the date of receipt of this Order.

3. Against the above Orders of A.P.Administrative Tribunal, the O/o Transport Commissioner, A.P., Hyderabad filed W.P.No.17395 of 2010 in the A.P.High Court of Judicature. The Hon'ble A.P.High Court, in it's Interim Orders 3rd read above, was pleased to Order that "'there shall be interim suspension in so far as payment of consequential benefits are concerned. However, if any orders of reinstatement is passed, the same would be subject to the result of the W.P."

4. In his letter 4th read above, the Transport Commissioner, Andhra Pradesh, Hyderabad has stated that it may be necessary to reinstate the

individual into service subject to the result of the W.P./S.L.P. After considering the proposal carefully, orders were issued by the Government in the reference 5th read above rescinding the punishment orders issued in the Procdgs. 1st read above and reinstating Sri K.Sri Hari, Senior Assistant, into service subject to the result of W.P.No.17395/2010 and also Special Leave Petition to be filed in Supreme Court of India.

5. In the reference 6th read above, the A.P.High Court, in it's Final Orders Dated:02.06.2014, while disposing the W.P.No.17395 of 2010 filed by the Transport Department, directed the Petitioners as follows:-

"The Learned Counsel appearing for both the parties stated that appropriate decision has to be taken by the Petitioners herein with regard to the entitlement of the consequential benefits to Respondent No. 1 in pursuance of his Reinstatement and that this exercise has to be undertaken by the Petitioners under Rule 54-B of the Andhra Pradesh Fundamental Rules. ***Therefore, the Petitioners are directed to decide with regard to the entitlement of the Consequential Benefits by the Respondent No.1 herein while confirming the Reinstatement Orders issued by the Government vide G.O.Ms.No.9, Transport, Roads & Buildings(VIG.III.1) Department, Dated:18.01.2011".***

6. Thereupon, Sri A.Mohan, the then Deputy Transport Commissioner, Nellore, has issued orders in the references 7th and 8th read above, regularizing the services of five(5) years' Suspension period from 17.08.2002 to 25.07.2007 and 3 ½ years' Dismissal period from 26.07.2007 to 20.01.2011 respectively in respect of Sri K.Sri Hari, Sr.Asst., as Periods Spent 'On Duty' under FR 54-A.

7. In the reference 9th read above, the Transport Commissioner, A.P., while narrating the sequence of events in this case, has conclusively stated that when the Orders of High Court had not gone against the stand of Government, the DTC, Nellore should not have issued Proceedings regularizing 5 years of suspension and 3 ½ years of dismissal without addressing Government which had reinstated Sri K.Sri Hari into service and as it is the Department which took stand against the Orders of A.P.A.T. for payment of consequential benefits.

8. Government have called for the explanation from Sri A.Mohan, the then DTC, Nellore in the reference 10th read above. Sri A.Mohan, Dy. Tr.Commr., Kakinada has submitted his Representation in the reference 11th read above, and has finally represented to the Government for favourable disposal. Government, after careful consideration, are issuing warning separately to Sri A.Mohan, DTC(U/s), in the matter.

9. In the meanwhile, Sri K.Sri Hari, Sr. Asst., has filed C.C.No.1648/2016 in the A.P.High Court for non-implementaiton of the Final Orders of A.P.High Court Dated:09.09.2014 in WPMP No.14556 of 2013 in W.P.No.11745/2013 and the case is posted finally on 04.11.2016 as per website information.

10. In the circumstances stated above, Government ratify the action taken by Sri A.Mohan, the then Dy. Tr. Commr., Nellore vide his Procdgs. 7th and 8th read above, regularizing the service of five(5) years' Suspension period from 17.08.2002 to 25.07.2007 and 3 ½ years' Dismissal period from 26.07.2007 to 20.01.2011 respectively in respect of Sri K.Sri Hari, Sr.Asst., as Periods Spent 'On Duty' under FR 54.

11. The Transport Commissioner, A.P., Vijayawada shall take further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B.SAM BOB,
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Transport Commissioner, Vijayawada(two copies).

Copy to:
SF/SC's.

//FORWARDED:: BY ORDER//

SECTION OFFICER